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16 Attorneys for Defendant  
17 AT&T Mobility LLC

18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**  
20 **SAN JOSE DIVISION**

21 IN RE APPLE & AT&TM ANTI-TRUST  
22 LITIGATION

Case No. 07-05152-JW

**[PROPOSED] ORDER COMPELLING  
ARBITRATION AND DISMISSING  
CLAIMS AGAINST AT&T MOBILITY  
LLC**

Date: September 12, 2008  
Time: 9:00 a.m.

Honorable James Ware

1 The Court, having considered Defendant AT&T Mobility LLC's Notice of Motion and  
2 Motion to Compel Arbitration and to Dismiss Claims Pursuant to the Federal Arbitration Act, the  
3 Memorandum of Points and Authorities, the Declarations of Neal S. Berinhout, Cynthia  
4 Hennessy, Richard A. Nagareda, and Kevin Ranlett, and all exhibits thereto, and after hearing  
5 arguments of counsel, and finding good cause therefor,

6 IT IS HEREBY ORDERED THAT:

7 Plaintiffs Herbert Kliegerman, Paul Holman, Lucy Rivello, Timothy P. Smith, Michael  
8 G. Lee, Dennis V. Macasaddu, Mark G. Morikawa, Vincent Scotti, and Scott Sesso shall arbi-  
9 trate their claims against defendant AT&T Mobility LLC or pursue them in small claims court.  
10 The Plaintiffs' claims against AT&T Mobility LLC are dismissed.

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13 DATE: \_\_\_\_\_  
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16 Honorable James Ware  
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